

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TROY M. WILLIAMS,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-00472
(Criminal Action No. 2:02-cr-00110-01)

UNITED STATES OF AMERICA,

Defendant.

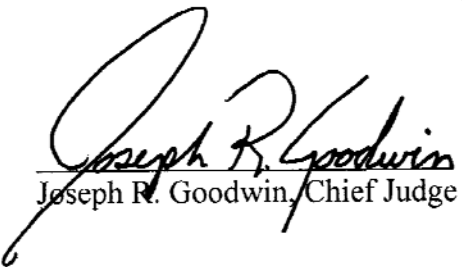
ORDER

Pending before the court is the defendant's Motion entitled "Hazel-Atlas Action to Vacate Judgment Obtained through Fraud Upon the Court" [Docket 176]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition ("PF&R"), pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny this motion and dismiss this action from its docket [Docket 185].

The court has performed a *de novo* review of those portions of the findings and recommendations that the defendant objected. The court **FINDS** that the objections are without merit. The court agrees with the thorough analysis of the Magistrate Judge. Thus, the court **DENIES** the defendant's Motion [Docket 176]. The court also **DENIES** as moot the defendant's Letter-Form Motion for Extension of Time to File Objections [Docket 188], since the court, finding good cause, has considered the defendant's objections despite the untimeliness of the defendant's filing.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: November 12, 2009



Joseph R. Goodwin, Chief Judge